

REMARKS

Applicant thanks the Examiner for the thorough examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Final Office Action dated May 4, 2010 (“Office Action”), claims 1-57 were pending. Of these, claims 1, 6, 17, 22, 33, and 38 have been amended, where claims 6, 22 and 38 have been rewritten to depend from independent claims 1, 17 and 33. No new matter has been added by way of these amendments. Upon entry of the above amendments, claims 1-57 will be pending for examination.

The Office Action rejects claims 1, 6, 8, 14, 15, 17, 22, 24, 30, 31, 33, 38, 40, 46, 47 and 50-54 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Publication No. 2003/0018878 to Dorward *et al.* (“Dorward”). *See* Office Action at 2. The Office Action rejects claims 2-5, 7, 9, 12, 13, 18-21, 23, 25, 34-37, 39, 41, 44, and 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dorward in view of U.S. Patent No. 6,965,646 to Firestone (“Firestone”). *See* Office Action at 6. The Office Action rejects claims 10, 11, 26, 27, 42, and 43 under 35 U.S.C. § 103(a) as being unpatentable over Dorward in view U.S. Patent Publication No. 2003/0118107 to Itakura (“Itakura”). *See* Office Action at 13. The Office Action rejects claims 16, 32, 48, 49, 52 and 55 under 35 U.S.C. 103(a) as being unpatentable over Dorward in view U.S. Patent Publication No. 2003/0169759 to Asai (“Asai”). *See* Office Action at 15.

Although Applicant does not agree with or acquiesce to these rejections, in the interest of compact prosecution, Applicant has amended independent claims 1, 17, and 33 to more particularly describe aspects of the present application. In particular, Applicant has amended each of these claims to more specifically describe that the information for restoring the plurality of blocks to the original data is stored “within a field of a header instead of information to be stored in the field according to the predetermined protocol.” (Emphasis added.) As discussed in greater detail below, none of the cited references, whether considered alone or in combination, discloses or suggests at least this claim element.

Dorward discloses “data storage techniques that are suitable for use in managing archival data in a network storage system.” (Dorward at [0002]). More specifically, Dorward discloses that “data is processed to generate an address as a function of the contents of the data block, and the data block is then stored in the system in a memory location identified by the address.” (Dorward at [0009]).

With respect to the “block header,” Figure 3 of Dorward indicates that the header is configured to store “magic,” “fingerprint,” “type,” “size,” “user,” “wtime,” “encoding,” and “esize” information. For example, the “user” block is configured to store information pertaining “to the particular client device requesting storage of the data block” (Dorward at [0046].) The “esize” field, on the other hand, is configured to store “the size of the data after compression.” (Dorward at [0048].)

Thus, Dorward discloses header fields that are each configured to store *specific* information in accordance with a protocol. Nowhere does Dorward describe, however, storing information *different* from that specific information. Moreover, nowhere does Dorward describe that such *different* information is related to restoring the plurality of blocks. Hence, Dorward cannot be reasonably interpreted as disclosing or suggesting that the information for restoring the plurality of blocks to the original data is stored “within a field of a header instead of information to be stored in the field according to the predetermined protocol,” as recited in amended independent claims 1, 17, and 33. (Emphasis added.)

Firestone does not disclose this claim element absent from Dorward. Firestone is directed to “reformatting MPEG files to increase transmission performance in a network.” (Firestone at 1:7-10.) In particular, Firestone discloses that a *new* header is added in order to encapsulate MPEG data by the RTP protocol. *See, e.g.*, Abstract and “RTP” in Fig. 1C. Thus, Firestone discloses a technical concept *opposite* of the pending claims inasmuch as Firestone does not disclose avoiding the addition of a new header by substituting for the predetermined field of a header. Accordingly, Firestone cannot be reasonably interpreted as disclosing or suggesting that information for restoring the plurality of blocks to the original data is stored “within a field of a

header instead of information to be stored in the field according to the predetermined protocol,” as recited in amended independent claims 1, 17, and 33. (Emphasis added.)

With regard to the remaining Itakura and Asai references, Applicant respectfully submits that these references were relied upon by the Examiner merely as alleged evidence of one or more elements recited in the dependent claims of the present application. However, neither of these remaining references cures the above-discussed deficiencies of Dorward and Firestone, nor has the Examiner asserted that they do. Thus, Applicant respectfully submits that amended independent claims 1, 17, and 33 are also patentable over these references.

CONCLUSION

Because none of the references cited in the Office Action, either separately or in combination with each other, teaches or suggests all of the features recited in amended independent claims 1, 17, and 33, Applicant submits that independent claims 1, 17, and 33 are patentable over these cited references. Furthermore, because dependent claims 2-16, 18-32, and 34-57 are each directly or indirectly dependent upon independent claims 1, 17, and 33, Applicant submits that each of these claims are allowable for at least the same reasons discussed above, in addition to other reasons which Applicant reserves the right to argue at a later time if necessary.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 040405-0378

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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